

Meetings of Public Agencies

If you had to identify, in one word, the reason why the human race has not achieved, and never will achieve, its full potential, that word would be 'meetings.'

Dave Barry

Sources of Rules Governing Council Meetings

- Freedom of Information Act
- Standing Rules of the Town Council
 - Robert's Rules of Order
- Code of Ethics

The Freedom of Information Act

Holding Meetings of Public Agencies

WHAT CONSTITUTES A MEETING?

- Any quorum of a multimember public agency.
- Any communication by or to a quorum of a multimember public agency whether in person or by electronic equipment, to discuss or act upon a matter over which the agency has authority or advisory power.
- Any hearing or other proceeding of a public agency.
- Are you a “Public Agency”? YES!!!

MEETINGS IN GENERAL

- Meetings shall be open to the public.
- No member of the public shall be required to sign in, furnish any other information, complete a questionnaire or meet any condition as a prerequisite to attendance.
- Meetings may be recorded, photographed or broadcast in an inconspicuous manner and in a way so as not to disturb the proceedings of the public agency.
- Votes of members must be reduced to writing and made available for public inspection within 48 hours.
- Minutes of meetings must be made available for public inspection within 7 days.

REGULAR MEETINGS

- Schedule of regular meetings for the upcoming year must be filed with the town/city clerk by January 31st.
- No regular meeting can be held within 30 days following adoption of schedule.
- Agenda of regular meeting shall be filed not less than 24 hours before the start of the meeting with the town clerk.
 - **Note:** Council Rules double this to 48 hours.
- *Items which are not on the agenda of a regular meeting can be added and acted upon with the vote of 2/3 of those members present and voting.*

SPECIAL MEETINGS

- Notice must be posted with the town/city clerk at least 24 hours before any special meeting. Again, Town Council rules double this to 48 hours.
- Notice shall state the time and place of the meeting and the business to be transacted.
- *No other business may be transacted at the special meeting.*

SPECIAL MEETINGS

- Notice must be “delivered” to the home of each member of the agency prior to the special meeting unless a member files notice with the town/city clerk that delivery of notice is not required.
 - Suggestion: Allow members to designate notice via e-mail, but keep a written record.
- Requirement of home notice is waived if the member is present at the meeting.

WHAT IS *NOT* A MEETING?

- Meeting of a personnel search committee for executive level employment candidates.
- Chance meeting or a social gathering neither planned nor intended for the purpose of discussing matters relating to official business.
- Strategy or negotiations with respect to collective bargaining.

STILL *NOT* A MEETING

- Caucus of members of a single political party.
- Administrative or staff meeting of a single member public agency.
- Communications regarding the notice of meetings or their agendas.
- Quorum which is present at an official meeting of another agency.

OKAY, IT'S A MEETING. CAN WE KEEP OUT THE PUBLIC?

...Probably not: “Executive Sessions”

- “Personnel” Issues unless the Employee Insists on Public Discussion
- Strategy/Negotiation Regarding Pending Claims and Litigation
- Public Security Issues

MORE GROUNDS FOR EXECUTIVE SESSION

- Matters related to site selection or the lease, purchase or sale of real estate when discussion would adversely affect price.
- Discussion of any matter which would result in the disclosure of records which are exempt from disclosure pursuant to §1-210(b) of FOIA.

HOLDING EXECUTIVE SESSIONS

- Attendance can be limited to members of the agency and persons invited to present testimony or opinion pertinent to matters before the agency.
- Minutes must reflect all persons in attendance *except* for job applicants.
- *Discussion* may be held in executive session but actual *vote to take action must be held in public.*

Robert's Rules of Order

If it's good enough for an 18th century British major straight out of Gilbert & Sullivan, it's good enough for me.

ROBERT'S RULES OF ORDER:

MOTIONS

- Some Motions are debatable, some are not, some can be amended, some not, some require a majority vote, some two-thirds – these are called the “**standard characteristics**” of a motion – they depend on the type of motion.

SIX STEPS OF ANY MOTION

- 1- Make the motion (avoid “so moved”);
- 2 - Second;
- 3 – Chair restates and asks “Any discussion?”;
- 4 – Debate - motion is pending or on the floor “Any further discussion?”;
- 5 - Repeat motion and call vote;
- 6 - Chair states result after again restating the motion

DEBATE

- Maker of a motion has the first right to speak, except that the Chair has the right to speak out of order;
- Recognized by the chair.
- Each member may speak twice.
- Can't speak a second time until everyone has a first chance.
- Remarks must be germane.
- Debate issues – not personalities.
 - Avoid: “liar”, “stupid”, “ridiculous”
- All comments and questions through the chair.
- Debate can be limited or extended.

TWO TYPES OF MOTIONS

Two types of Motions: Main and Secondary (a resolution is a formal motion)

- A **Main Motion** introduces a substantive question as a new subject (content does not determine whether a motion is main or secondary – it's the motion's relationship to the other motions that establishes the type of motion.

- A **Secondary Motion** offers a different way to think about the main motion or a prerequisite to considering the main motion.

MAIN MOTIONS

- Requires a second;
- Can be debated
- Needs a majority of those voting to pass – Abstentions don't count;
- Chair can require long motions be in writing;
- Maker of a motion can vote against a motion but cannot speak against the motion they move;
- Ownership of the motion is with the maker until Chair asks for discussion. Then the group owns the motion.

SECONDARY MOTIONS

- 1 - **Subsidiary Motions** – relate directly to the motion on the floor;
- 2 - **Privileged Motions** – motions of an emergency nature that do not relate to the motion on the floor but rather to the welfare of the group – not debatable;
- 3 - **Incidental Motions** – procedural motion that must be decided before business can proceed;
- 4 - **Restorative Motions** – also procedural but generally occur later in the process.

AMENDMENTS

- Be precise in wording and where in the main motion it is to go.
- Must be germane or it is out of order.
- Debatable.
- After adoption, the debate on the main motion – as amended - continues.
- Cannot undo the amendment once it is approved.
- “Bigger bite” rule.

SMALLER MEETINGS

(Fewer than a Dozen)

In smaller meetings, formal procedure may actually hinder business and, therefore, Robert's recommends that the following less formal procedures be allowed:

- Members not be required to obtain the floor and can make motions and speak while seated, including the chair when calling a vote;
- Motions need not be seconded;
- Motions can be reconsidered, regardless of when the motion was made;
- There is no limit to the # of times a member can speak to a question and that motions to close or limit debate not be entertained;
- The presiding officer can speak in discussion, make motions and vote.

The Code of Ethics

No, you can't do that.

WEST HARTFORD CODE OF ORDINANCES – CODE OF ETHICS

- Standard of Service
- Use of Public Property
- Special Consideration
- Conflict of Interest
- Financial Interest
- Confidential Information
- Acceptance of Gifts
- Appearance on Behalf of Private Interests
- Disclosure of Interests
- Ethics Committee